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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,647	06/20/2006	Peter Dirksen	NL040617	8794
24737 7590 11/13/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
CHEA, THORL				
ART UNIT		PAPER NUMBER		
1795				
MAIL DATE		DELIVERY MODE		
11/13/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/596,647

**Applicant(s)**

DIRKSEN ET AL.

**Examiner**

Thorl Chea

**Art Unit**

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is responsive to the response to the election requirement on June 22, 2009; claims 1-19 are pending.
2. The restriction requirement on May 20, 2009 is withdrawn and all claims are considered in this office action.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-13, 16, 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The structural relationship between the surface (L1), (L2), (L3), (L4,L5) is confusing as it unclear whether both surface (L1) and (L2) comprising a photosensitive layer or either one of the surfaces. The claiming "applying a removable transparent layer (L4, L5) is unclear whether both removable transparent layers L4 and L5 are applied to the surface or either L4 or L5. Claims 1, 2, 4, 5, 9, 12, 14 are unclear with respect to the antecedent basis for "the transparent layer", "the photosensitive layer", "the patterned resist layer", "the thickness of the removable transparent layer", "the transparent layer", and "the transparent layer" and "the protective layer" respectively. See claim 1, lines 5-6; claim 2, line 2; claim 4, lines 1-2; claim 5 lines 1-2; claim 12, line 1; and claim 14, line 5. The terms are not consistent with the terms previously recited which render the basis thereof unclear. Claim 10-11 appears unclear or awkward. The term "step" should be used in association with "altering". Claim 16 is indefinite with respect to the claiming of "immersing the layer without dissolving it"

as it unclear as to what the medium used in the immersing step. Claims 1, 16 are unclear in view of the specification disclosure and the final product obtained by the claimed processes. The whole specification disclosure is related to a formation of a pattern using a photosensitive material including a photoresist layer wherein the photoresist layer is provided thereon a removable protective layer.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 14, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by either R.F. Brown (US 2,373,289) or Telser et al (us 6040116).

See Brown Fig in Front Page which contains a supporting layer, an emulsion layer (silver halide) and alkyd resin layer; page 2, first column lines 1-8 wherein layer 930 is a protective layer or coating of alkali soluble alkyd resin. The coating (3) is a thin, clear transparent layer which may be attached to the light-sensitive layer (2) according to any suitable coating process known in the art. Claim 1 page 2 discloses that the resin layer being readily and completely soluble in alkaline photographic developing solution. The photographic material is exposed to light, and then the resin is dissolved in the photographic developing solution or weak alkaline solution (page 2, Example 1). See also Telser the process and the material in the abstract and column 22, claim 1. Therefore, the article presented in claim 19 and the process having steps

presented in claim 14 is read on the article and the process in Example 1 disclosed in Brown, and the material and process taught in Telser et al. Therefore, the claimed invention lacks novelty.

7. Claim 19 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0521296 (EP'296). EP'296 discloses an article. See Fig. 1 wherein the material containing a clear water based polymeric protective barrier (18, 19) and photosensitive material (12); column 15, claims 23-25 wherein the protective layer is a layer of water soluble polymer. The material of the claimed invention is read on the material taught in EP'296. Therefore, the invention lacks novelty.

### *Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thorl Chea whose telephone number is (571) 272-1328. The examiner can normally be reached on 9 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly can be reached on (571)272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TC/

October 19, 2009

/Thorl Chea/

Primary Examiner, Art Unit 1795